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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,804	12/14/2001	Mika Salmivalli	P284103 2980417US/KA/ HER	1649
909	7590	05/31/2007	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			TRUONG, THANHNGA B	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2135	
			MAIL DATE	
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			05/31/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/014,804

Applicant(s)

SALMIVALLI, MIKA

Examiner

Thanhnga B. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/9/2007 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Thanhnga B. Truong
AU2135

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 9, 2007 has been entered. Claims 1-8 and 10-13 are pending. Claim 9 is canceled by the applicant. At this time, claims 1-13 are rejected.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

a. *Referring to claim 7:*

The term "an alert device" in claim 7 is used by the claim to mean "produce a signal indicating that the mobile equipment identity is possibly a copied one". The term is indefinite because the specification does not clearly redefine the term.

b. *Referring to claim 12:*

The term "an indication unit" in claim 12 is used by the claim to mean "produce a signal indicating that the mobile equipment identity is possibly a copied one". The term is indefinite because the specification does not clearly redefine the term.

c. *Referring to claim 13:*

The term "a requester" in claim 13 is used by the claim to mean "requesting at least one international mobile subscriber identity from the database on the basis of the received international mobile equipment identity". The term is indefinite because the specification does not clearly redefine the term.

The term "a comparator" in claim 13 is used by the claim to mean "compare the requested international mobile subscriber identity corresponds to the received international mobile subscriber identity". The term is indefinite because the specification does not clearly redefine the term.

The term "an input" in claim 13 is used by the claim to mean "receiving an international mobile equipment identity". The term is indefinite because the specification does not clearly redefine the term.

The term "an output" in claim 13 is used by the claim to mean "produce a signal indicating that the mobile equipment identity is possibly a copied one". The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-8, 10-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. Referring to claim 13:

(1) Claim 13 recites a computer program product embodied in a computer readable medium for detecting a copied international mobile equipment identity in a mobile system in which at least one international mobile subscriber identity and a mobile equipment identity is associated with a mobile station. The preamble clearly directs toward a software program, wherein these intangible media such as software or other program incapable of being touched or perceived absent the tangible medium through which they are conveyed. Thus, claim 13 does not recite any

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structure, i.e., machine to carry out the functions of all the recited steps. Therefore, claim 13 recites non-statutory subject matter.

b. Referring to claims 1-8 and 10-11, and 12:

i. These claims have limitations that is similar to those of claim 13, thus they are rejected with the same rationale applied against claim 13 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

May 28, 2007

Thanhnga B. Truong
AU2135